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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,821	09/30/2004	Rupert Spindelbalker	SPINDELBALKER 8 PCT	2258
25889	7590	10/03/2005	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			DANG, HUNG XUAN	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/509,821

**Applicant(s)**

SPINDELBALKER, RUPERT

**Examiner**

Hung X. Dang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **Information Disclosure Statement**

1. The prior art documents submitted by applicant in the Information disclosure Statements filed on 9/30/04 have all been considered and made of record (noted attached copy of form PTO-1449).

It is noted that the German and French patents have been considered to the best of the ability of the examiner without benefit of translation.

### **Claims Rejection Under 35 USC - 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Conner** (6,682,192) in view of **Tachibana** (6,210,002).

Conner discloses multipurpose locking and fastening device comprises an apparatus for fastening a bridge (figure2) to a spectacle lens (18) with a butt end of a bridge (figure 2) which overlaps the lens (18) edge, with two parallel fastening pins (12) which project from the butt end and form annular enlargements (38) which are barb-like in their cross section, and with plastic sleeves (14) which can be inserted into bores in the spectacle lens (18) and form a head overlapping the edge of the bore and in which

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the fastening pins (12) engage in an interlocking way under deformation of the sleeve wall from the side of the bore opposite of the heads, the butt end with the two fastening pins (12) is made of plastic and that the modulus of elasticity of the plastic of the fastening pins (12) corresponds to at least three times the modulus of elasticity of the plastic of the plastic sleeves (14) (see figures 2, 5a, 6, 14, column 7, lines 65-67 and the related disclosure).

Conner does not disclose the two plastic sleeves are mutually connected via a joint stop head.

Tachibana, however, discloses the two plastic sleeves (31, 32) are mutually connected via a joint stop head (3) (see figures 2-8 and the related disclosure.)

Because Conner and Tachibana are both from the same field of endeavor, the purpose of easy manufacturing as disclosed by Tachibana would have been recognized as an art pertinent art of Conner.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the multipurpose locking and fastening device, such as the one disclosed by Conner, with the two plastic sleeves are mutually connected via a joint stop head, such as disclosed by Tachibana for the purpose of easy manufacturing.

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3. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

9/05

A handwritten signature in black ink, appearing to read "Hung Dang", with a stylized, cursive script.

HUNG DANG

PRIMARY EXAMINER

TC 2800